

DUE DATE(S) \_\_\_\_\_

ATTORNEY BESDOCKETED maPatent  
Docket No.: 54942US002

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ashok Sengupta,  
Jeffrey L. Jacobs, Matthew T. Scholz,  
and Kestutis J. Tautvydas

Serial No.: 09/626,026

Filed: July 27, 2000

For: BIOCIDAL  
POLYURETHANE  
COMPOSITIONS AND  
METHOD OF USE

Group Art Unit: 1616

Examiner: B. Radio

#8  
AKD  
2.19-02RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

This paper is in response to the Restriction requirement dated August 15, 2001 having a reply due date of September 15, 2001.

The Examiner has required restriction of the claims under 35 U.S.C. §121. The Examiner averred that claims 1-45 are generic to a plurality of disclosed patentably distinct species comprising the embodiment of examples 1-12 found on pages 32-46 of the present application. The Examiner did not identify individual groups of species for claims 1-45 subject to the Restriction.

The Applicant hereby provisionally elects, with traverse, polyurethanes terminated in monol vinylic compounds which are additionally polymerized with antimicrobial vinylic monomers. The noted species is represented by examples 1, 4, 7, 8 and 9 and claims 1, 17 and 18.

Applicant respectfully traverses the election of species requirement. Applicant avers that the Patent Office has not met its burden of proving the restriction of the species is proper. M.P.E.P. § 803 requires that the two conditions

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on:

September 14, 2001

Date

Beth M. Sandblom

Signature

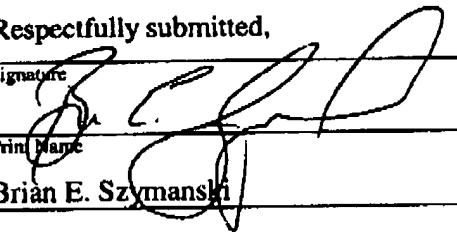
Serial No.: 09/626,026

Bucket N.: 54942US002

be met for a proper requirement for restriction between patentably distinct inventions. First, the inventions must be independent or distinct as claimed. Second, there must also be serious burden on the Examiner if restriction is not required (see M.P.E.P. §803.02; §806.04 (a)-(j); §808.01 (a); and §808.02). M.P.E.P. §803 also requires that the Examiner provide reasons to support the conclusion that the restriction of the various species is proper. With regard to the species specified for any of the restricted invention groups, the Office Action fails to provide any such reasons or examples to support the restriction requirements of various species. Such reasons, and examples are hereby requested for each species that the Examiner believes should be restricted for the present invention. It is submitted that without such reasons and examples, the restriction of the various species cannot be proper.

Respectfully submitted,

Registration Number	Telephone Number
39,523	612-737-9138
Date	
September 14, 2001	

Signature

Print Name
Brian E. Szymanski

3M Office of Intellectual Property Counsel  
P.O. Box 33427  
St. Paul, Minnesota 55133-3427

## Form 10527 - H - PWO

Application Of

Application Of: Ashok Sengupta, Jeffrey L. Jacobs, Matthew T. Scholz, and Kestutis J. Tautvydas

File Number

Docket No.: 54942US002 Serial No.: 09/626,026

Titled

Title: BIOCIDAL POLYURETHANE COMPOSITIONS AND METHOD OF USE

Pages Of Specification

Pages of Specification (including Claims and Abstract):

Sheets

No. of Claims:

Sheets of Drawings:

 Declaration     Assign. Certif. of MailingDraft Included For The A

Amount charged to Deposit Account: \$

Attorney (initials)

Attorney (initials): BES/bml Date: September 14, 2001

Express Mail No.:

Enclosures: Response to Restriction Requirement (2 pages) and Postcard

## Form 10527 - H - PWO

Application Of

Application Of: Ashok Sengupta, Jeffrey L. Jacobs, Matthew T. Scholz, and Kestutis J. Tautvydas

File Number

Docket No.: 54942US002 Serial No.: 09/626,026

Titled

Title: BIOCIDAL POLYURETHANE COMPOSITIONS AND METHOD OF USE

Pages Of Specification

Pages of Specification (including Claims and Abstract):

Sheets

No. of Claims:

Sheets of Drawings:

 Declaration     Assign. Certif. of MailingDraft Included For The A

Amount charged to Deposit Account: \$

Attorney (initials)

Attorney (initials): BES/bml Date: September 14, 2001

Express Mail No.:

Enclosures: Response to Restriction Requirement (2 pages) and Postcard

**Office of Intellectual Property Counsel  
3M Innovative Properties Company**

**3M Center, PO Box 33427  
St. Paul, MN 55133-3427 USA**

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION MAY CONTAIN CONFIDENTIAL OR LEGALLY PRIVILEGED INFORMATION INTENDED ONLY FOR THE PERSON OR ENTITY NAMED BELOW.

If you are not the intended recipient, please do not read, use, disclose, distribute or copy this transmission.

If this transmission was received in error, please immediately notify me by telephone directly at the number indicated below. Thank you.

## FACSIMILE

Date: February 19, 2002  
Number of pages (including cover sheet): 4

To: Barbara Radio

Your Ref: 09/626,026  
Phone: 703/308-4595  
Fax No. 703/746-5003

From: Brian E. Szymanski

Our Ref: 54942US002  
Phone: 651/737-9138  
Fax No. 651/736-3833

Remarks:  Urgent  Acknowledge  Reply ASAP  Please Comment

Examiner Radio, please find attached a copy of the Restriction Requirement sent to you on September 14, 2001, also please find a copy of the returned postcard.

Thank you,

Brian E. Szymanski

q:\3mip\co forms and samples\fax cover sheet.doc 3/14/00 (dsj)